

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARIENCE BUILDERS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.08 C 921
	)	
SCOTT BALTES,	)	Judge Bucklo
	)	Magistrate Judge Cole
Defendant.	)	

**REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT's MOTION TO DISMISS  
PURSUANT TO 12(b)(1) AND (6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6), Defendant respectfully moves this Honorable Court, pursuant to its Motion to Dismiss Pursuant to 12(b)(1) and (6) submitted to this Court on March 24, 2008, to dismiss Count I of Plaintiff's Complaint pursuant to Rule 12(b)(6) and dismiss Counts II, III, and IV pursuant to Federal Rule of Civil Procedure 12(b)(1). Defendant chooses to stand on its Motion to Dismiss Pursuant to 12(b)(1) and (6), and respectfully submits this matter to the Court for decision.

Dated: May 12, 2008

Respectfully submitted,

By: /s/ Jeffrey S. Marks

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**CERTIFICATE OF SERVICE**

I, Jeffrey S. Marks, an attorney, certify that service of its Reply to Plaintiff's Response to Defendant's Motion to Dismiss Pursuant to 12(b)(1) and (6) on Plaintiffs' counsel was accomplished pursuant to ECF.

By:/s/ Jeffrey S. Marks